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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,938	03/28/2001	Ralf Fuchs	20981.010	2209

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EXAMINER

LAMB, BRENDA A

ART UNIT PAPER NUMBER

1734

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,938

Applicant(s)

Fuchs et al

Examiner

LAMB

Group Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 6/17/2004
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-4 and 9-12 is/are rejected.
- ☒ Claim(s) 5-8 and 13-16 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 1/24/2003 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over German 4237962 in view of Cohn et al.

German '962 teaches the design of a sizing apparatus for sizing a warp yarn sheet which is comprised of the following elements: a size compartment for contacting the warp yarn sheet with size; a squeezer/mangle for squeezing the sized warp yarn sheet; means for pre-wetting the sized warp yarn sheet with water; and means for squeezing the pre-wetted warp yarn sheet. German '962 fails to teach the combination of pre-wetting means and wetting agent squeezer which ^{is} claimed by applicant as a draw-in unit is comprised of three rollers forming in the conveying direction of the yarn sheet a first squeezing gap and a second squeezing gap. However, Cohn et al shows in Figure 4 a wetting/dipping and squeezing/sizing roller unit comprised of the following: a first and second roller (elements 17, 16) forming a first squeezing gap, second roller (element 16) disposed for travel of yarn sheet there-around and through the treating liquid and second and third roller (elements 16, 15) forming a second squeezing gap. However, it would have been obvious to modify the German '962 apparatus by substituting its wetting and squeezing/sizing roller unit with another wetting/dipping and squeezing/sizing roller unit such as taught by Cohn et al as shown in Figure 4 for the obvious advantage of structural compactness. Further with respect to claim 9, the

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recitation that the draw-in unit is comprised of a set of rollers consisting essentially of three rollers does not define applicant's invention over the above cited references above since, given the German '962 apparatus as modified above, it would have been obvious to substitute the Cohn et al cleaning means, doctor roll 46, with another cleaning means for a roller such as Cohn et al doctor blade 47 for the obvious reason to expect similar result. With respect to claims 3 and 11, Cohn et al shows the second and third roller are arranged in the manner set forth in the instant claims. With respect to claims 4 and 12, German '962 shows the yarn sheet is conveyed unsupported between the first roller of the sizing compartment and the third roller of the draw-in unit.

Claims 1-2 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over German 4237962 in view of Dungler.

German '962 teaches the design of a apparatus for sizing a warp yarn sheet which is comprised of the following elements: a sizing compartment for contacting the warp yarn sheet with size; a squeezer/mangle for squeezing the sized warp yarn sheet; means for pre-wetting the sized warp yarn with water; and means for squeezing the pre-wetted wrap yarn sheet. German 962 fails to teach the combination of pre-wetting means and wetting agent squeezer which claimed by applicant as a draw-in unit is comprised of three rollers and the three rollers forming in the conveying direction of yarn sheet a first squeezing gap and a second squeezing gap. However, it would have been obvious to modify the German '962 apparatus by substituting its wetting and squeezing/sizing roller unit with another wetting/dipping squeezing/sizing roller unit such as taught by Dungler for the obvious advantage of the Dungler unit - compactness.

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Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new grounds of rejection.

Claims 5-8 and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Brenda A Lamb at telephone number (571)-272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

B. A. Lamb/aft

August 17, 2004

Brenda A. Lamb
BREND A. LAMB
PRIMARY EXAMINER